

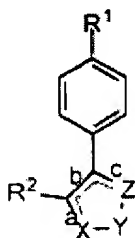
REMARKS

Claims 1-8 are pending and stand rejected under § 103(a) as being unpatentable over WO 96/11676 ("Ducharme") in view of published International Application WO 95/15316 ("Talley"). The Office argues that Ducharme teaches a method of treating a neurodegenerative disease by administering selective COX-II inhibitors and that benzenesulfonamide derivatives are known to be useful as selective COX-II inhibitors. The Office further argues that Talley teaches that compounds of the instant invention are known selective COX-II inhibitors (See Office Action, page 2, paragraph 5). The Office concludes that it would have been prima facie obvious to employ the compounds of the claims as COX-II inhibitors in Ducharme's method. (Office Action, page 3, first paragraph). While Applicants' do not agree with the Office's conclusion, the conclusion is irrelevant because Talley is not prior art to the instant application, under 35 U.S.C. § 103(c).

Talley and the instant application were, at the time the subject matter of the claimed invention was made, subject to an obligation of assignment to the same entity. Applicants previously submitted Declaration specifying the parent applications of the instant application and therefore establishing the priority of the instant application.

Applicants previously submitted a copy of the assignment record for the parent of the instant application indicating assignment to G.D. Searle & Co. Talley, as shown on its face, is also assigned to G.D. Searle & Co. Because the instant application and Talley are subject to an obligation of assignment to the same person, Talley is disqualified as prior art under § 103(c) and the rejection should be withdrawn.

Ducharme alone cannot support a § 103 rejection of claims 1-8. Ducharme relates to methods of treating neurodegenerative diseases, such as Alzheimer's disease, using non-steroid COX-II inhibitors of the following formula:



(Ducharme, page 4, lines 12-16). Ducharme does not disclose the pyrazolyl derivatives of claims 1-8, or the use of pyrazolyl derivatives as COX-II inhibitors, as recognized by the Office. (Office Action, page 3, paragraph 6). It follows that Ducharme does not disclose the use of Applicants' pyrazolyl derivatives in the treatment of dementia, as claimed. Therefore, claims 1-8 are not rendered obvious by Ducharme and withdrawal of the 35

U.S.C. § 103 rejection of these claims is respectfully requested.

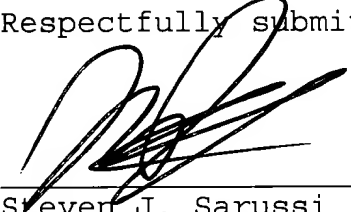
For the above reasons, Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejections of claims 1-8

Reconsideration and withdrawal of the rejections are respectfully requested. Should the Examiner believe that a discussion of this matter would be helpful, he is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

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By:


Steven J. Sarussi
Reg. No. 32,784

MCDONNELL BOEHNEN
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, Illinois 60606
(312) 913-0001